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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/673,196	09/30/2003	Jean-Pierre Leseq	713-937	9624

7590 05/25/2005

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EXAMINER

SAETHER, FLEMMING

ART.UNIT	PAPER NUMBER
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3677

DATE MAILED: 05/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/673,196

Applicant(s)

LESECQ, JEAN-PIERRE

Examiner

Flemming Saether

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 31 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 13-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 13-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 13, 26 and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Ferris (US 4,865,501). Ferris discloses a rivet comprising a nut (25), a solid stem (21), an expandable locking element (11) and a coaxial head (where the locking element is joined to the head as seen in Fig. 4). The nut includes an opening (29) which extends a full 360 degrees having flat sides to prevent rotation relative to the stem and a tooth (42) engageable with a notch (23) on the stem.

Claims 13-16 and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Smith (US 4,657,461). Smith discloses a rivet comprising a nut (14), a solid stem (16), an expandable locking element (28, 30) and a coaxial head (generally at 26). The nut includes an opening (48) which extends a full 360 degrees and extends less than 360 degrees in a remaining location by having interrupting slots (see Fig. 5) defining expandable legs with a remaining portion having a tooth (52) engageable with a notch (56) on the stem. The nut not being rotatable is an intended use of which Smith is capable simply without any rotational forces being imparted onto the nut.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 17-20 and 28-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith as applied to claims 13, 14, 16 and 27 above, and further in view of Ferris. Smith does not disclose the stem and nut having corresponding flat sections. Ferris discloses a rivet similar to Smith and teaches a stem (21) and nut (25) having corresponding flat sections preventing relative rotation. At the time the invention was made, it would have been obvious for one of ordinary skill in the art to provide the nut and stem of Smith with two corresponding flat sections as disclosed in Ferris to facilitate insertion of the fastener by deducing the circumferential area of the stem to better accommodate the locking element. The location of the flat sections in relation to the slots and teeth would have been a matter of design choice.

Claims 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith as applied to claim 13 above, and further in view of Schimmels (US 4,080,522). Smith does not disclose the at least one return foot. Schimmels discloses rivet having at least one return foot (62) projecting from an insertion body towards an elastic foot (55). At the time the invention was made, it would have been obvious for one of ordinary skill in the art to provide the device of Smith with a return foot as

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disclosed in Schimmels so as to urge the elastic feet away from the insertion body into their operative position. The return foot would ensure the elastic feet are in the operative position after having been inserted through the hole. In the combination, the location of the return foot would be further from the head for device to be operative. It is well to have separate element formed from a single piece of material.

Claims 23-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith as applied to claim 13 above, and further in view of Freeman (US 4,245,545). Smith does not disclose insertion end of the rivet provided with an insertion head and blocking and stop surfaces. Freeman discloses a rivet having an insertion end with an insertion head (11) and a generally transverse stopping surface (the upwardly facing surface of insertion head) to abut elastic feet (19) and a locking surface (at 21) spaced from the stop surface and forming a counter abutment for the elastic feet (see Fig. 3). At the time the invention was made, it would have been obvious for one of ordinary skill in the art to replace the legs of the insertion end of Smith with a configuration as disclosed in Freeman because the configuration of Freeman including the stopping and blocking surfaces would provide greater resistance to pullout. The orientation of the locking surfaces being parallel at a reduced section would have an obvious change in shape since its operation as to how the members interact would be the same.

***In response to Remarks***

Applicant's remarks have been considered but are moot in view of the entirely new set of claims.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

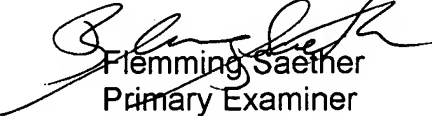
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Flemming Saether whose telephone number is 703-308-0182. The examiner can normally be reached on Monday through Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Swann can be reached on 703-306-4115. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Flemming Saether  
Primary Examiner  
Art Unit 3677